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THE CASE FOR DELETING  
LAND USE CONTROLS FROM THE AIR QUALITY ELEMENT  
OF THE PROPOSED ABAG  
ENVIRONMENTAL MANAGEMENT PLAN  
(POSITION PAPER NO. 1)

PREPARED BY

THE COALITION OF LABOR AND BUSINESS  
ALAMEDA AND CONTRA COSTA COUNTIES

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## PREFACE

COLAB is concerned with the probable adverse social, economic and fiscal impacts of the entire Environmental Management Plan prepared by ABAG staff under a 4.3 million dollar grant from the E.P.A. We think that the plan is essentially an environmental purist's blueprint for our area. We think that many practical considerations have been overlooked and that we simply don't have time or resources to evaluate the full 700-page plan by April of this year.

We think that the plan raises many unanswered questions about environmental laws and standards. COLAB will have more to say about this point in the next month or so, but, for now, we will assume the law and the process under which we labor is correct.

Not a day goes by that we do not see some new challenge or question about the plan and its proposals. Nowhere are these concerns greater than with the air quality plan and the land use proposals contained therein. COLAB has tended to focus its inquiry upon these land use controls because we believed that these new controls were a major objective of plan sponsors.

It is COLAB's position that the land use controls contained in the plan should be deleted entirely. The purpose of this paper is to summarize our reasons for this

conclusion. In a subsequent report, we will have recommendations about the balance of the plan and would urge all concerned to continue to study the plan and to keep their options open.

Prior to presenting our case for deletion of the land use controls from the plan, we would like to make three background observations:

1. The only plan element which actually must be approved in April is the surface runoff plan and even it may be deferred upon request;
2. If we must have an air quality plan in April, we would urge against accepting an amendment that proposes that the land use controls be left in the plan but deferred. If these controls don't make sense now, it's difficult to see how they will make sense later.

Furthermore, Congress gave us the option of rejecting land use controls so why should we open the door to E.P.A. by including them in the plan in any form?

3. COLAB proposes that if an alternative to imposition of the land use controls is required, the State Air Resources Board should consider implementing a light duty vehicular emission inspection program like that being used in many other states and started on a trial basis



in Los Angeles last month. We have been told that such a program would produce an immediate 15% improvement in the air quality of the Bay Area, whereas the land use controls are expected to produce only a 4 - 7% improvement and then only after the year 2000!!

This paper is based in part on the following materials which are available through COLAB. "AQMP/Tech Memos 15 and 16", dated September 1977 and prepared by ABAG staff; "Some Questions About the Benefits and Costs of the Land Use Controls Proposed in the ABAG Draft Environmental Management Plan", dated November 1977 and prepared by Gruen, Gruen + Associates; "The Draft Analysis of the Plan", dated January 1978 and prepared by the Contra Costa County Planning Staff.

#### I. THE PROPOSED LAND USE PLAN ("COMPACTION")

The land use "plan" is not a plan at all but a set of policies contained in the air quality element which freezes urban expansion in the entire region. This objective (called "compaction") is accomplished by prohibiting the extension of sewer or water lines to any area not now served.

The generalized effects of the plan will be to freeze 59% of the land now generally planned for urban

growth in the region and force all new projects into existing "urban areas" with increases in density from the current average of 2.7 U.P.A. to a new average of 6.5 U.P.A.!

Actually, one criticism of the "plan", the review documents and the E.I.R. is that the policies which implement the plan are so vague that attempts to identify the exact proposal are hampered and assessment is almost an impossibility. A justification for this vagueness may arise from the fact that these controls are in an air quality plan and air quality plans cannot be changed without state and E.P.A. approval. In a word, placing clear land use controls into an air quality plan would rob ABAG of planning flexibility. Unfortunately, this same vagueness also creates uncertainty and amounts to an unusually broad delegation of discretion to ABAG staff.

## II. LEGAL AND INSTITUTIONAL PROBLEMS

Enforcement authority for the "plan" will presumably come from several potential sources including control of federal funds and the extraction of "informal agreements" to be bound by the plan. In fact, many jurisdictions have already been required to sign agreements to be bound to whatever "plan" is generated as a part of recent sewer grants. Finally, some



municipal lawyers believe that the plan could have the force of law, with ultimate authority arising out of either the federal Clean Air Act or the Clean Water Act.

Under current state law, cities and counties (subject to the people's reserved power of initiative and referendum) have the exclusive power to plan and establish land uses within their boundaries subject to regulation by the state legislature. These powers are less subject to change in the case of charter cities or counties.

Special districts are creations of the legislature and provide urban services to areas designated for urban use by cities and counties. The creation of and annexation to special districts (and cities for that matter) are as approved by the Local Agency Formation Commission (LAFCO) in each county according to spheres of influence plans for each district. LAFCO is a state agency exercising state legislative powers at the local level.

A major criticism of the land use control strategies suggested in the plan is that after adoption the Bay Area may have to await the outcome of court cases to know whether the proposed land use controls are legal and, if so, whether local general plans, zoning, LAFCO determinations and special district regulations passed under the authority of existing state law will be amended and controlled by the plan provisions. One can only guess about the answers to these questions.



The legal and planning uncertainties caused by this superimposition of a new land use plan and regulatory system on top of the existing regulatory system and the plans and ordinances passed thereunder is painfully clear. It is COLAB's view that changes in land use control powers of this magnitude must occur by amendment to state statute so that any new system dovetails with the existing system and years of uncertainty are avoided.

### III. POLITICAL PROBLEMS

ABAG's representatives are appointed to ABAG and are thus not directly elected by all the people in the region. Indeed, representation to ABAG is not in proportion to population.

Furthermore, loss of local control aside, the high degree of federal involvement and staff discretion built into the plan is alarming. COLAB stands ready to resist any trend toward the shifting of more and more decisions from elected officials into the hands of bureaucrats.

We are persuaded to the view that the public is in no mood for these shifts in power. COLAB would oppose any attempt at removing the people's historic local control and powers of initiative and referendum without creating a representative form of government and we feel strongly that this should be done only by a vote of the people.

#### IV. SOCIAL AND ECONOMIC PROBLEMS

Regardless of the long term legal status of the plan, it would seem probable that the uncertainties inherent in the plan could stop all projects now underway or expose these developments to litigation based upon provisions of the plan. These uncertainties might also preclude local governments from proceeding with new approvals until the plan and its legal status is clarified. This moratorium impact could cripple the construction industry in a very few months.

If the courts decide or the plan is amended to provide that local governments may refuse to accept higher densities, then the result of removing 59% of the land available for urban expansion in the region will be to produce a massive housing shortage in the Bay Area. This housing shortage will cause the loss of construction jobs and will wildly escalate housing costs, rents and taxes. People with lower incomes will be literally bid out of their homes while the government must then either provide temporary housing for tens of thousands of people or deal with a massive exodus of people to other areas of the state.

If the "compaction" plan is actually implemented (i.e., forcing existing urban areas to accept higher densities) the land shortages created by the plan may be devastating. The effects of this constriction of land available for development (detailed in the Gruen, Gruen + Associates

report prepared for COLAB) will also significantly inflate housing costs, rents and taxes. How bad the situation may get is unknown because no one knows how much available land there really is, nor do they know whether consumers will accept compaction. If there is not enough land available in the Bay Area after the plan restrictions are imposed, housing shortages will result. Compaction also runs contrary to consumer preferences (people don't want to be compacted) such that the plan could produce an exodus from the area and the resultant loss of construction and services employment to the entire region. Under all circumstances, the price for housing in the Bay Area may run so high that no one will be able to afford the "compacted" housing unit.

Compaction will also increase the cost of redevelopment (by increasing land costs) and seems to be premised upon an assumption that government can and should force people to live closely together and that government can and should force the private sector to invest where government wants it to invest. We are not at all sure that either of these assumptions are correct.

We believe that a good part of the attraction of the Bay Area is that it offers a variety of lifestyles and weather, together with a splendid topography. We are not at all convinced that forcing us to crowd together is good from a social, economic or even a psychological vantage point. Some of the social, economic and political problems arising



from "compaction", "infilling" or "gentryfication" are as detailed in the attached news account of the problems of London, England, where urban expansion was stopped to protect the lands of the landed gentry over 50 years ago. It's frightening!

Above all, we note the lack of hard data to support the plan and agree with some who have said that nobody really knows the plan's full impact. As we see it, the current proposal is short-sighted and represents an extreme form of single-purpose planning.

If encouraging compaction or infilling are good ideas, COLAB would suggest governmental incentives to infill vacant urban land and to redevelop rather than impose a negative restriction upon urban expansion. Incentives might include lowered taxes, low cost loans and condemnation powers. The power to use these incentives already exists in redevelopment laws and H.U.D. programs. Above all, we believe that the key to saving the cities and helping increase upwardly mobility is employment and not land use planning. We see these land use proposals as costing jobs and producing none.

#### V. MARGINAL AIR QUALITY BENEFITS

The most compelling argument against the land use controls is that the entire effort will only produce a 4 -

7% improvement in air quality and then only after the year 2000!! The people of the Bay Area could possibly be asked to accept these proposals if they assured us clean air, but it's hard to get too excited about a mere 4 - 7% improvement in air quality that we won't realize for 25 years. The obvious reason for this slight improvement in air quality is because most industry and cars which contribute to current air quality problems are already here. In this connection, we are constrained to note that air quality in the Bay Area has been steadily improving over the past fifteen years.

COLAB believes that this low yield in air quality benefits from land use controls compels the conclusion that the Bay Area should concentrate on enforcement of proven technological innovations rather than massive lifestyle changes to clean up the air. Acceptable approaches would be steps to reduce auto emissions and to make certain that cars which are on the road meet emission standards.

The marginal improvement in air quality arising from land use controls again raises the central question whether we should enforce lifestyle changes and governmental reorganization in the Bay Area for so slight an air quality benefit. Should we not assume technological advances in the next 25 years will be sufficient to offset these slight air quality improvements?

Parenthetically, it should be noted that there is some evidence that the 4 - 7% improvement in air quality expected to arise from the land use controls won't ever

materialize because people seem to prefer crosscommuting.

It may be that people don't like living immediately next to their place of employment or that with increasing numbers of working couples, the chances of both finding local employment is decreased.

## VI. RECOMMENDATION

COLAB believes that Congress knew what it was doing when it prohibited E.P.A. from imposing land use controls upon us. We urge deletion from the plan documents of any reference to land use controls to clean up the air and consideration of substitution of the vehicular inspection program noted in the Preface.

COLAB suspects that advocates of the current plan will suggest some amendments to lessen the most destructive aspects of the present proposal. If this occurs COLAB stresses that the projected air quality gains will pass into obscurity while most other arguments against the concept will remain. To those who see this plan as a way to get regional planning, COLAB urges that the concept of regional planning is distorted when it is done through the back door under the dictates of an air quality law which paints us into the corner of accepting "single-purpose planning". Furthermore, we do not believe that anyone's version of regional planning is well served by



the superimposition of vague new planning powers in the hands of a regional staff.

In practice, the deletion of all references to the land use controls may force deferral of most of the plan. Specifically, ABAG staff has woven the land use controls throughout all plan elements such that all portions of the plan touching upon an assumption of these controls being imposed will have to be rewritten if deletion is ordered. COLAB sees no danger to such a deferral of the plan to accomplish this simple rewrite because the air quality plan is not due until 1979. In the alternative, ABAG staff could prepare a rewrite of the plan on the assumption that the land use controls were deleted. Deferral would be necessary only if staff waited until the general assembly meeting to do the work described.





# When London gentry move in, the poor move out

By Richard Ben Cramer  
Knight News Service

LONDON - Joe Baar muttered through the foam of his pint in the Kings Arms the other night that it's a bloody shame when a working man can't find a decent place to live in the neighborhood of his birth.

Baar, 25, returned four months ago from a stint with the British army in Northern Ireland to work as a "removalist," or moving van driver, in his native Barnsbury section of London.

For four months now, he's been staying on friends' floors and searching in vain for a place of his own. Rent for a flat in a privately owned house equals his total salary. As a single person, he can't even get on the year-long waiting list for public housing.

"It's all the bleeping Chelsea set," Baar said angrily.

Britain's social planners put it more politely, saying Baar is a victim of "gentrification." It is an imposing word for a process familiar to all city dwellers. A neighborhood close to center city, filled with poorer residents mostly renters, suddenly is "discovered" by middle-class people who rush in to buy and renovate houses.

The run-down neighborhood suddenly becomes attractive. Higher-priced shops and restaurants open.

And the poor? Well, the poor go elsewhere.

In most places, the phenomemon is applauded and promoted by government as it was in London when Chelsea's Kings Road section and the Covent Garden area were "gentrified" some years back.

But in Barnsbury and the other neighborhoods that comprise the old Islington borough of London, the working class has begun to fight back.

Thus Baar's pithy condemnation of the "Chelsea set"- the middle-class trendies who are buying houses and hiking rents all over Islington.

Thus an angry demonstration of working-class Islingtonians last year in front of a local realty firm accused of "blockbusting" for the rich.

Thus the mission of Neil Purcell, a community worker whose salary is paid by the Islington Borough Council. "Gentrification," said Purcell, "must be stopped."

The gentrification of Islington, north of London's commercial center, began in earnest during the 1960's more than 100 years after its solid stone rowhouses here built around terraces and attractive squares.

The borough's neighborhoods were built to house the burgeoning English middle classes of the early and middle 19th Century. London was booming and, with the advent of railroads, the area just to the north of the center city became feasible as a residence for the city's clerks and businessmen.

But London's slums were bursting with the city's huge working-class population, and by 1900 Islington itself was a slum, housing more than 400,000 of London's poor. The middle classes were pushed farther out the rail lines.

So it remained until the 1960's when realty agents acquired blocks of houses in the Islington area and started promoting the neighbors there as "up and coming."

The first neighborhood to go was Cannonbury. A realty company acquired half the houses in the area and sold them as residences for artists, architects and designers. Next to pictures of fashion models posing in front of Cannonbury's newly restored houses, the British edition of Good Housekeeping effused:

"What catches the imagination is the grand reconstruction of the old, fine Georgian place. In the rows of dirty faced neglected houses, the rebuilt ones stand out like good teeth among bad ..."

What was going on behind the fine old Georgian facades was "winkling"- the British term for harrassing tenants out of their houses.

The economics of the matter are simple. Houses with tenants living inside (and Britain's strict rent control acts in force) were selling for 2,000 to 3,000 pounds (\$3,500 to \$5,100) in the early stages of gentrification. With the tenants removed, the same houses could be sold to middle-class buyers for about 20,000 pounds (\$35,000) or converted to flats that would rent for three to four times the previous rentals.

Landlords thus bribed tenants to move out, or failed to make repairs until the properties became uninhabitable, or threatened imposing legal proceedings that scared tenants away. When a family named Murphy refused to move, workmen hired by the landlord tore off the side wall of the house, exposing the sitting room and a bedroom to the street.

For several years, the tactics and the economic pressures worked well, driving Islington's poor out of houses some had occupied for decades.

But the tactics also left lasting bitterness that finally exploded into demonstrations and a species of class warfare. The vocal middle-class residents started exercising sway over the Islington Borough council. Like most middle-class residents in "up and coming" areas, they wanted quaint cobblestones. The working class of Islington rose up and replaced the Tory-controlled council with a Labor Party group.

A report issued by Purcell's group, the Barnsbury people's Forum, explained the working-class feeling: "Tenants in bad housing who felt threatened by the winkler were appalled to see the council spending money on a traffic scheme, tree planting and new iron railings in the smarter squares."

The working-class residents began campaigning actively against the real estate agents and the new middle-class homeowners about three years ago. With the new Labor-controlled Borough Council in power, they have made substantial headway. Islington's council now has the most ambitious program in London for government housing acquisition.

The houses acquired by the council are renovated, then rented to working-class families that no longer afford rent in Islington's private market. The council is buying about 1,000 properties a year for future renovation. With its money in short supply, it is by far the biggest slum landlord in the borough.

The race with the speculators is running the council into debt, and local property taxes in Islington are among the highest in London. But among the working-class residents here, there is pressure for even more municipalisation" of the neighborhood's housing stock.

The crunch will come next year, when the council runs for re-election. With property tax rates at record highs, the campaign will not be easy. The middle classes can be expected to come out in force against the hostile Labor council.

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